

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

March 3, 2008

- C052285 THE PEOPLE v. ARGUMEDO (Not For Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Hull, Acting P.J.
Robie, J.
- C052599 THE PEOPLE v. TEETERS (Not For Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Davis, Acting P.J.
Robie, J.
- C054747 THE PEOPLE v. JOHNSON (Not For Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Scotland, P.J.
Hull, J.
- C055262 THE PEOPLE v. ACOSTA (Not For Publication)**
The judgment is affirmed. The trial court shall recalculate defendant's custody credits and prepare an amended abstract of judgment which accurately reflects those credits and modifies the manner of execution of the sentence imposed as directed in this opinion. The court shall clarify on the record the sentence imposed as to count three consistent with this opinion and modify its minute order and the abstract of judgment accordingly. The court shall correct item 6. of the abstract (and the corresponding attachment page) to reflect three years four months for the "total time on attached pages." The court shall forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
BUTZ, J.
We Concur: Blease, Acting P.J.
Cantil-Sakauye, J.
- C056286 THE PEOPLE v. CIPOLLA, JR. (Not For Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Davis, J.

**COURT OF APPEAL
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Court Minutes

March 3, 2008 continued

C053909 BOUMA v. RAMIREZ (Not For Publication)
The judgment is affirmed. Bouma shall recover costs on appeal. ...
HULL, J.
We Concur: Davis, Acting P.J.
Nicholson, J.

C057986 VAN SICKLE v. GILBERT
BY THE COURT:
Appellant's motion to reinstate the appeal is granted. The order of
February 15, 2008, dismissing the appeal is vacated, and the appeal is
reinstated. ...
SCOTLAND, P.J.

March 4, 2008

MISC. ORDER 2008-003

BY THE COURT:
Associate Justice Tani Cantil-Sakauye is appointed to serve as Acting
Presiding Justice to discharge the duties described in the California Rules of
Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the
Presiding Justice from the court on March 6, 2008. Associate Justice Coleman
A. Blease is appointed to serve as Acting Presiding Justice to discharge the
duties described in the California Rules of Court, rules 10.1004, 10.1012, and
10.1016, during the absence of the Presiding Justice from the court on March 7,
2008, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a
panel of the Court is designated the Acting Presiding Justice of that panel during
the absence of the Presiding Justice.
SCOTLAND, P.J.

C055252 THE PEOPLE v. HOPSON (Not For Publication)
The judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Raye, J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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Court Minutes

March 4, 2008 continued

- C055351 THE PEOPLE v. VARGAS (Not For Publication)**
The superior court is directed to prepare an amended abstract of judgment reflecting an indeterminate term of 25 years to life for the rape charge and to send a certified copy of said amended abstract to the Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed.
RAYE, J.
We Concur: Nicholson, Acting P.J.
Cantil-Sakauye, J.
- C055359 THE PEOPLE v. SHORT (Certified For Publication)**
The trial court's order denying defendant's motion to modify the victim restitution order is reversed, and the matter is remanded for further proceedings to determine what portion of the \$3 million settlement must be offset against defendant's victim restitution obligation.
SCOTLAND, P.J.
We Concur: Blease, J.
Davis, J.
- C055528 THE PEOPLE v. DANIELS (Not For Publication)**
The judgment is affirmed.
RAYE, Acting P.J.
We Concur: Morrison, J.
Cantil-Sakauye, J.
- C056053 THE PEOPLE v. LIKENS (Not For Publication)**
The judgment is affirmed.
RAYE, Acting P.J.
We Concur: Morrison, J.
Cantil-Sakauye, J.
- C043684 DUPREE v. E*TRADE SECURITIES (Not For Publication)**
The judgment is reversed. The trial court is directed to enter an order granting E*Trade's petition to compel arbitration. E*Trade shall recover costs on appeal.
RAYE, J.
We Concur: Scotland, P.J.
Blease, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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Court Minutes

March 4, 2008 continued

**C052872 MARINE FORESTS SOCIETY et al. (Certified For Publication)
v. CALIFORNIA COASTAL COMMISSION**

The trial court's order awarding section 1021.5 attorney fees to Marine Forests is reversed. The parties shall bear their own costs on appeal. ...

SCOTLAND, P.J.

We Concur: Davis, J.
 Robie, J.

**C055875 GONZALEZ v. DENTAL BOARD OF CALIFORNIA
BY THE COURT:**

Appellant's motion for an order granting relief from default for failure to pay the reporter's transcript fees or to file a reporter's written waiver of a deposit is treated as a motion to recall the remittitur and to reinstate the appeal and as such is granted. ...

SCOTLAND, P.J.

March 5, 2008

C054728 THE PEOPLE v. HILL (Not For Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Blease, J.
 Hull, J.

C054797 THE PEOPLE v. ELLIS (Not For Publication)

The judgment is affirmed. The trial court is directed to correct the abstract of judgment by striking the reference to the Penal Code section 1202.45 restitution fine and by reflecting that the crimes were committed in 2005, not 2007. The court is further directed to send a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Blease, J.
 Hull, J.

C055694 THE PEOPLE v. PAPAC (Not For Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Blease, J.
 Hull, J.

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Court Minutes

March 5, 2008 continued

- C051016 VOLO v. BARRILLEAUX (Not For Publication)**
The judgment is affirmed. Costs on appeal are awarded to defendant. ...
NICHOLSON, Acting P.J.
We Concur: Morrison, J.
Cantil-Sakauye, J.
- C053142 THE SUPERIOR COURT OF (Not For Publication)**
SACRAMENTO COUNTY v. COUNTY
OF SACRAMENTO et al.
The judgment is reversed to the extent that it compels the County to
provide free, overflow juror parking at the level that existed on October 1, 2001.
The matter is remanded for further proceedings consistent with part III of this
opinion. The parties shall bear their own costs on appeal. ...
SCOTLAND, P.J.
We Concur: Sims, J.
Morrison, J.
- C054374 BURKS v. KAISER FOUNDATION (Certified For Publication)**
HEALTH PLAN, INC. et al.
The order denying Kaiser's petition to compel arbitration is affirmed.
Burks shall recover his costs on appeal. ...
ROBIE, J.
We Concur: Blease, Acting P.J.
- C057530 D.W. v. THE SUPERIOR COURT OF (Not For Publication)**
YOLO COUNTY
The writ petition is denied.
DAVIS, Acting P.J.
We Concur: Nicholson, J.
Hull, J.
- C057996 JERVI v. JERVI; ANITA J.**
BY THE COURT:
Appellant's motion to reinstate the appeal is granted. The order of
February 20, 2008, dismissing the appeal is vacated, and the appeal is
reinstated. ...
SCOTLAND, P.J.

**COURT OF APPEAL
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Court Minutes

March 6, 2008

- C055420 THE PEOPLE v. ERWIN (Not For Publication)**
The judgment is affirmed. We remand with directions that the court dismiss counts two and three and the remaining enhancements.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
 Butz, J.
- C056052 THE PEOPLE v. WHITE (Not For Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
 Morrison, J.
- C053829 PENNEY v. ISBELL (Not For Publication)**
The appeal in case No. C053824 is dismissed. The order denying appellant's special motion to strike in case No. C053829 is affirmed. Costs on appeal are awarded to respondent in both cases. ...
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
 Butz, J.
- C055053 REIMUND v. GUTHRIE et al.**
BY THE COURT:
Appellant's petition for rehearing is denied.
DAVIS, Acting P.J.

March 7, 2008

- C055403 THE PEOPLE v. MYERS (Not For Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
 Sims, J.
- C055444 THE PEOPLE v. OTIS (Not For Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Morrison, J.
 Cantil-Sakauye, J.

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Court Minutes

March 7, 2008 continued

C053673 BELL v. ADELBURG ASSOCIATES (Not For Publication)
MEDICAL GROUP

The judgment is affirmed. Defendant AAMG shall recover its costs on appeal. ...

BUTZ, J.

We Concur: Davis, Acting P.J.
Cantil-Sakauye, J.

C053730 GAYLE S. v. DANIEL J.; NANCY P. (Not For Publication)

The orders appealed from are affirmed. Respondent (Grandmother) shall recover costs on appeal. ...

BUTZ, J.

We Concur: Nicholson, Acting P.J.
Raye, J.

C055995 In re TYLER M. v. DEPARTMENT OF (Not For Publication)
HEALTH AND HUMAN SERVICES v. CHARLEAN M.

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Davis, J.
Nicholson, J.